

## **REMARKS**

Claims 1-19 are currently pending in this application with claims 1, 3-6, 10, 12-14, and 19 amended herein. No new matter is added by these amendments. Support for these amendments can be found at least in the description in claims 3-5 as originally filed and page 6 lines 5 to 12.

The office action rejects claims 1-19 under 35 U.S.C. § 102(e) as anticipated by U.S. Published Patent Application No. 2003/0193898 to Wong. The Examiner's rejection is respectfully traversed for at least the following reasons.

Contrary to the assertions of the office action, it is submitted that the relied upon portions of Wong, namely Fig. 7, the abstract, and para. [0025], do not teach or suggest a "line condition," as recited in independent claims 1 and 19. As best understood, the relied upon portions of Wong teach transforming a network by introducing conditional link cost, and determining paths between the source and the destination nodes. But a conditional link cost is a cost determined depending on the position of each link as described in paragraph [0028].

In contrast, a line condition as recited in the instant claims refers to a communication condition of the communication line. Such conditions include line speed, loss of signal, loss of synchronism, line disturbance, presence or absence of a failure, and presence or absence of a reserve line, etc. Such features are not contemplated by the relied upon portions of Wong. To clarify what is meant by "line conditions" the

As recited in the instant claims, particularly, independent claims 1, 10 and 19, a feature of the present invention is acquiring the line condition information on a communication condition of a communication line in each route, and calculating a communication cost of each route based on the line condition information in the route.

Accordingly, it is respectfully submitted that independent claims 1, 10 and 19 patentably distinguish over the relied upon portions of Wong and are allowable. Claims 2-18, depend from claim 1, and are therefore allowable therewith. Accordingly, withdrawal of the rejection is respectfully requested.

**CONCLUSION**

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. Should the Examiner consider this application not to be in condition for allowance, the Examiner is invited to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

\_\_\_\_\_  
/Nathan Weber/  
Nathan Weber  
Reg. No. 50,958

**CUSTOMER NUMBER 026304**

Telephone: (212) 940-8564  
Fax: (212) 940-8986/8987  
Docket No.: FUSKA 21.005 (100808-00057)  
NW:cc